

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)	
)	Group Art Unit: Not yet assigned
Gail Iannacone)	
)	Examiner: Not yet assigned
Serial No.: Not yet assigned)	
)	
Filed: Filed Herewith)	
)	
For: Footwear with Expanded Thermoplastic)	
Beads in the Footbed)	
)	
)	
)	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

In accordance with 37 CFR §§1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR §1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR §1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

Information Disclosure Statement Filing Provision:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the

merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

- ☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.
- ☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
- ☐ This IDS is being submitted under 37 CFR §1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR §1.113 or a Notice of Allowance under 37 CFR §1.311.
 - ☐ The fee due under 37 CFR §1.17(p) is submitted herewith.
 - ☐ A statement under 37 CFR §1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR §1.97(d) and charge the fee due under 37 CFR §1.17(p) to the deposit account below.
- ☐ This IDS is being submitted under 37 CFR §1.97(d), that is after a Final Action under 37 CFR §1.113 or a Notice of Allowance under 37 CFR §1.311, but before payment of the issue fee. A statement under 37 CFR §1.97(e) is included below. The fee due under 37 CFR §1.17(p) is submitted herewith.

Statement Under 37 CFR §1.97(e):

- ☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

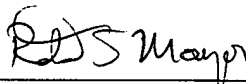
☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this IDS.

Payment and/or Authorization to Charge Fees:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
- ☐ Please charge _____ to Deposit Account No.16-2500 for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Proskauer Rose LLP's Deposit Account No.16-2500.

Respectfully submitted,
Proskauer Rose LLP

By: 
Robert S. Mayer
Reg. No. 38,544

Date: January 14, 2004

Proskauer Rose LLP
Patent Department
1585 Broadway
New York, NY 10036-8299
(212) 969-3000
PROSKAUER ROSE CUSTOMER NO: 21890

Form PTO-1449 (Rev. 6-98) U.S. Department of Commerce Patent and Trademark Office INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				Attorney Docket No. 23282-002		Serial No. Not yet assigned	
				Applicant Gail Iannacone			
				Filing Date Filed Herewith		Group Art Unit Not yet assigned	

U.S. PATENT DOCUMENTS						
Examiner Initial	Document Number	Date	Name	Class	Sub Class	Translation
	6,314,661	11/13/2001	Chern			
	5,961,544	10/05/1999	Goldman et al.			
	5,561,919	10/08/1996	Gill			
	4,753,022	06/28/1988	Gasbarro			

FOREIGN PATENT DOCUMENTS						
Examiner Initial	Document Number	Date	Country	Class	Sub Class	Translation

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)	
	<u>Welston Kurashiki Co., Ltd., p.1-2,</u> http://www.optic.or.jp/com/welston/welston_e.hym1 ; 10/22/2003 (Internet dated material)
	<u>Powder Beads MOGU pillow, the huge boom in Japan, p. 1-2,</u> http://www.prweb.com/releases/2003/7/prweb72331.htm ; 10/22/2003 (Internet dated material)
	<u>Powder Snow Beads Cushion, Flex Relax Pillow, Squishy Body Cushion, p. 1-2,</u> http://www.officeresort.com/store/powderbeads.htm?sc=google&kw=mogu ; 10/22/2003 (Internet dated material)
	<u>Polyolefins North American Fabrication Processes, p. 1,</u> http://www.dow.com/polyolefins/na/process/foaming.htm ; 10/22/2003 (Internet dated material)
	<u>Polyolefins North America Fabrication Processes, p.1,</u> http://www.dow.com/polyolefins/na/process/beadfoams.htm ; 10/22/2003 (Internet dated material)

Examiner	Date Considered
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP§60 : Draw line through citation if not in conformance and not considered, include copy of this form with next communication to the patent owner.	